

Corning Painter  
Chief Executive Officer

Orion Engineered Carbons LLC  
4501 Magnolia Cove Drive, Suite 106  
Kingwood, Texas 77345

Direct Phone: +1-281-318-4263  
[corning.painter@orioncarbons.com](mailto:corning.painter@orioncarbons.com)

May 21, 2021

**Via CDX and Email**

Thomas P. Carroll  
Acting Director, Air Enforcement Division  
U.S. Environmental Protection Agency  
MC 2242A  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Re: *United States v. Orion Engineered Carbons, LLC*, Consent Decree (Case No. 6:17-cv-01660) – Notice of Intent to Assert Claim of Force Majeure – Thirteenth Supplemental Update

Dear Mr. Carroll:

Orion Engineered Carbons, LLC (“Orion”) provides this letter in response to EPA’s letters dated April 24, 2020, October 21, 2020, January 25, 2021, and March 18, 2021. EPA’s April 24, 2020 letter requested updates regarding Orion’s March 23, 2020 notice of intent to assert force majeure. EPA’s April 24, 2020 letter requested an initial response within four weeks and supplemental updates every four weeks thereafter. Orion provided its initial response on May 21, 2020 (the “Initial Response”). This letter is Orion’s thirteenth supplemental update.

We ask that you treat the redacted portions in the public version of this submittal as confidential business information (CBI) pursuant to 40 C.F.R. Part 2. Orion’s updated responses to the questions in EPA’s April 24, 2020 letter follow.

**Ivanhoe**

1. *Clarify the meaning of the term, “pollution control projects required by the CD at [] Ivanhoe.”*

No change since Initial Response.

2. *Do the PM Early Warning Systems, baghouses and incineration devices necessary to achieve MACT compliance remain operational?*

No change since Initial Response.

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3. *Are any of Orion's [REDACTED] employees working onsite, and if so, how many?*

[REDACTED]

[REDACTED]

4. *What activities are the employees performing? Are they making carbon black?*

[REDACTED]

5. *Provide any updates received from Defendant's contractors related to COVID-19.*

See response to Question 3.

6. *Provide any updates, orders, or directives from state and local officials related to COVID-19.*

The following is a brief summary of orders affecting Orion issued since the last supplemental update:

**Louisiana**

May 14: Governor Edwards issued an order revising COVID-19 face covering requirements, based on CDC recommendations and consultations with the Louisiana Department of Health. Under the revised order, Louisiana will no longer require many individuals who are fully vaccinated to wear masks in most indoor settings. The order reserves authority to local governments to issue more

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restrictive requirements. The order also permits businesses to require face coverings for workers, customers, and patrons.<sup>1</sup>

7. *Provide a detailed construction schedule, reflective of the anticipated schedule as of March 1, 2020, (broken out by month), that specifies the work being performed, the number of contractors expected to be on site (noting the name of the company), the anticipated date of arrival of major parts, and any other relevant information.*



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<sup>1</sup> “Gov. Edwards Revises Louisiana’s COVID-19 Mask Guidance: Those Who Are Fully Vaccinated No Longer Need to Wear Masks Indoors In Most Cases,” May 14, 2021 (press release), <https://gov.louisiana.gov/index.cfm/newsroom/detail/3126>; State of Louisiana, Proclamation 85 JBE 2021 (May 14, 2021), available at <https://gov.louisiana.gov/assets/Proclamations/2021/85-JBE-2021-COVID-19-Public-Health-Emergency-Modification.pdf>.

FIGURE 1



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**Conclusion**

We appreciate EPA/DOJ's recent proposal to modify the consent decree to reflect the COVID-19 pandemic force majeure event, and we will continue to work with you toward finalizing that modification.

Orion remains committed to working with EPA to fulfill the requirements of the Consent Decree while protecting the health and safety of Orion's employees and contractors. Orion will provide its next update on or before June 18, 2021.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. Painter'.

Corning Painter  
Chief Executive Officer  
Orion Engineered Carbons, GmbH

cc: Kellie Ortega, U.S. Environmental Protection Agency  
David Friedland, Beveridge & Diamond, P.C.  
Jason Dunn, U.S. Department of Justice  
Katherine Abend, U.S. Department of Justice  
Celena Cage, Louisiana Department of Environmental Quality  
Brandon Williams, Louisiana Department of Environmental Quality  
Dwana King, Louisiana Department of Environmental Quality